

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IN 02/00180

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K31/40 A61P3/06 C07D207/34 C07D405/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|---|
| X | WO 02 43732 A (ISHAI ETI ;SAMBURSKY GUY (IL); TEVA PHARMA (IL); ARONHIME JUDITH () 6 June 2002 (2002-06-06) page 6, line 19 - line 27; claims 1-3,7; figure 1; example 1 ----- WO 03 004470 A (BYRN STEPHEN ROBERT ;COATES DAVID ANDREW (US); KRZYZANIAK JOSEPH F) 16 January 2003 (2003-01-16) Form VII page 54, line 10 - line 29; figures 3,27 ----- WO 02 051804 A (SCHOENING KAI-UWE ;SZELAGIEWICZ MARTIN (CH); VAN DER SCHAAF PAUL A) 4 July 2002 (2002-07-04) claim 15; example 8B ----- | 1-8, 10-18, 22-24 1-8, 10-18, 22-24 9,19-24 |
| E | | |
| X | | |

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

° Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the International filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the International filing date but later than the priority date claimed

- *T* later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the International search

5 March 2003

Date of mailing of the International search report

12/03/2003

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
2. Claims Nos.: 1 (part), 6 (part), 7 (part), 9 (part) because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple Inventions in this International application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.: _____
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: _____

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1 (part), 6 (part), 7 (part), 9 (part)

Claim 1 discloses an atorvastatin calcium salt designated Form VI. No further data is given to enable the skilled man to ascertain whether a particular crystalline form of atorvastatin calcium salt falls within the scope of this claim. The same is true for claims 6 and 7, in which the only further data is the amount of water contained by the crystals. The search has therefore been performed for the subject matter of claim 1 which has the parameters given in one of claims 2-5, or which has been prepared according to the processes of claims 8 or 9.

It appears that the process of claim 9 could only lead to the calcium salt product if the metal hydroxide used is calcium hydroxide. The search has been made on this basis.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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| Patent document cited in search report | | Publication date | | Patent family member(s) | | Publication date |
|--|---|------------------|----------------------------------|--|--|--|
| WO 0243732 | A | 06-06-2002 | AU WO US AU WO US | 1792702 A 0243732 A1 2002183378 A1 3289102 A 0243667 A2 2002099224 A1 | | 11-06-2002 06-06-2002 05-12-2002 11-06-2002 06-06-2002 25-07-2002 |
| WO 03004470 | A | 16-01-2003 | WO | 03004470 A1 | | 16-01-2003 |
| WO 02051804 | A | 04-07-2002 | WO | 02051804 A1 | | 04-07-2002 |